

**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-9, 11-15 and 21-28 remain pending, wherein claims 25 and 28 are amended. Claim 25 is amended to correct a typographical error in its dependency, and accordingly this amendment is not a narrowing amendment.

Claims 2-9, 21 and 28 are rejected for indefiniteness under 35 U.S.C. § 112, second paragraph. Claim 28 is amended to address the issues identified in the Office Action, and accordingly withdrawal of this rejection is respectfully requested.

Claims 1-9, 11-15 and 21-28 are rejected for obviousness under 35 U.S.C. § 103(a) in view of the combination of U.S. Patent No. 6,675,208 to Rai et al. ("Rai"), U.S. Patent No. 6,477,644 to Turunen and PCT Publication No. WO 01/15462 to Anderson ("Anderson"). This ground of rejection is respectfully traversed.

The combination of Rai, Turunen and Anderson does not render Applicants' claims obvious because the combination relies upon Anderson, which is not prior art with respect to the present application.

Anderson is a WIPO application publication with an international filing date of August 23, 1999. As discussed in M.P.E.P. § 706.02(f)(1), WIPO application publications with international filing dates prior to November 29, 2000 cannot be applied as prior art under 35 U.S.C. § 102(e) as of the

international filing date.<sup>1</sup> Instead, such WIPO application publications can only be applied as of their publication date under 35 U.S.C. § 102(a) or (b).

Anderson has an international publication date of March 1, 2001. The present application claims priority under 35 U.S.C. § 119(a)-(d) to a British application filed on September 22, 2000, which is before the publication date of Anderson. Accordingly, Anderson does not qualify as prior art against the present application. Because the obviousness rejection relies upon the disclosure of Anderson and Anderson is not prior art with respect to the present application, the obviousness rejection is improper and should be withdrawn.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 038819.50289).

Respectfully submitted,

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<sup>1</sup> See, for example, 706.02(f)(1)I.(C)(3)(b).